

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

WILD VIRGINIA, VIRGINIA	)	Case No. 3:20-cv-00045-MFU
WILDERNESS COMMITTEE,	)	
UPSTATE FOREVER, SOUTH	)	
CAROLINA WILDLIFE	)	
FEDERATION, NORTH	)	
CAROLINA WILDLIFE	)	
FEDERATION, NATIONAL TRUST	)	
FOR HISTORIC PRESERVATION,	)	
MOUNTAINTRUE, HAW RIVER	)	
ASSEMBLY, HIGHLANDERS FOR	)	
RESPONSIBLE DEVELOPMENT,	)	
DEFENDERS OF WILDLIFE,	)	<b>MOTION TO DISMISS</b>
COWPASTURE RIVER	)	
PRESERVATION ASSOCIATION,	)	
CONGAREE RIVERKEEPER, THE	)	
CLINCH COALITION, CLEAN AIR	)	
CAROLINA, CAPE FEAR RIVER	)	
WATCH, ALLIANCE FOR THE	)	
SHENANDOAH VALLEY, and	)	
ALABAMA RIVERS ALLIANCE,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
COUNCIL ON ENVIRONMENTAL	)	
QUALITY and MARY NEUMAYR	)	
IN HER OFFICIAL CAPACITY AS	)	
CHAIR OF THE COUNCIL ON	)	
ENVIRONMENTAL QUALITY,	)	

Defendants.

Pursuant to Federal Rule of Civil Procedure 12(b)(1) and Local Civil Rule 11, the Defendants move the Court to dismiss the Plaintiffs' Complaint (ECF No. 1) for lack of subject-matter jurisdiction. As set forth more fully in the Memorandum in Support of Defendants'

Motion to Dismiss, the Complaint should be dismissed because the Plaintiffs lack standing and their claims are not ripe for judicial review.

This motion is set for hearing on September 4, 2020. ECF No. 35.

Dated: August 25, 2020.

Respectfully submitted,

THOMAS T. CULLEN  
United States Attorney

/s/ Krista Consiglio Frith  
Assistant United States Attorney  
Virginia Bar No. 89088  
United States Attorney's Office  
P.O. Box 1709  
Roanoke, VA 24008  
TEL (540) 857-2250  
FAX (540) 857-2614  
[Krista.frith@usdoj.gov](mailto:Krista.frith@usdoj.gov)

JEFFREY BOSSERT CLARK  
Assistant Attorney General  
JONATHAN BRIGHTBILL  
Principal Deputy Assistant Attorney General  
PAUL SALAMANCA  
Senior Counsel

/s/Barclay T. Samford  
BARCLAY T. SAMFORD  
NM State Bar No. 12323  
Senior Attorney  
U.S. Department of Justice  
Environment and Natural Resources Division  
Natural Resources Section  
999 18th Street, South Terrace, Suite 370  
Denver, CO 80202  
Tel: (303) 844-1475  
E-mail: [clay.samford@usdoj.gov](mailto:clay.samford@usdoj.gov)

ALLEN M. BRABENDER  
Attorney  
U.S. Department of Justice  
Environment and Natural Resources Division  
Appellate Section  
Post Office Box 7415  
Washington, D.C. 20044  
Tel: (202) 514-2748  
E-mail: [allen.brabender@usdoj.gov](mailto:allen.brabender@usdoj.gov)

STEVEN W. BARNETT  
Attorney  
U.S. Department of Justice  
Environment and Natural Resources Division  
Law and Policy Section

Post Office Box 7415  
Washington, D.C. 20044  
Tel: (202) 514-1442  
E-mail: [steven.barnett@usdoj.gov](mailto:steven.barnett@usdoj.gov)

MATTHEW R. OAKES  
Senior Counsel  
U.S. Department of Justice  
Environment and Natural Resources Division  
Law and Policy Section  
Post Office Box 7415  
Washington, D.C. 20044  
Tel: (202) 514-1442  
E-mail: [matthew.oakes@usdoj.gov](mailto:matthew.oakes@usdoj.gov)

CLARE M. BORONOW  
Trial Attorney  
U.S. Department of Justice  
Environment and Natural Resources Division  
Natural Resources Section  
999 18th Street, South Terrace, Suite 370  
Denver, CO 80202  
Tel: (303) 844-1362  
Email: [clare.boronow@usdoj.gov](mailto:clare.boronow@usdoj.gov)